

To: Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy
Frans Timmermans, First Vice President European Commission
Věra Jourová, Commissioner Justice, Consumers and Gender Equality

Subject: EU and member states actively engaging in next steps of the process towards a UN Treaty on Business and Human Rights.

Brussels, October 26 2017

Dear Ms. Mogherine,

Dear Mr. Timmermans,

Dear Ms. Jourová,

This week more than 200 representatives of global civil society, including victims of human rights violations and abuses by corporations, joined the third session of the Open Ended Intergovernmental Working Group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights, taking place in Geneva. Momentum is growing and civil society representatives are now engaging with many different governments to achieve progress. As organizations that have been working for change many years, we would be extremely concerned if any state were seeking to undermine this vital process to develop the Treaty.

Many of us are concerned that we might see a repetition of the attitude adopted in the past where the EU put forward inflexible preconditions and refused to engage in the process. But after a tense start on Monday, we are witnessing a welcome evolution of the attitude of the European Union in this process. The EU has engaged on substance and raised precise questions, which are the first positive steps towards finally filling the gaps in the global legal framework and providing access to justice and redress for victims and affected communities.

We agree with the representative of the EU that *more needs to be done to prevent, investigate, punish and redress adverse human rights effects of business activities*¹. Therefore, **we call on our governments and the European Union to take the floor in Geneva this week and explicitly commit to prepare detailed reactions to the elements for a draft legally binding instrument, in preparation for constructive engagement in the ongoing process towards a draft text and the next negotiation session of the OEIGWG in 2018 and to continue to constructively engage until the “mandate to elaborate an international legally binding instrument”² established by resolution 26/9 is fulfilled.**

We can understand that for key departments more time is needed to fully engage on substance and we offer our support to help the EU to do this as soon as possible in the coming months. Civil society is willing to invest time and expertise in creative consultations on the key issues raised this week. In addition, it is our view that the European Union should dedicate funding to the Office of the High Commissioner to more fairly and adequately support the process of consultations and negotiations under the OEIGWG.

¹ http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/EUOpening_remarks.pdf

² <https://www.ihrb.org/pdf/G1408252.pdf>

The European Union has an important role to play in the upcoming negotiations, especially in a time of rising isolationism. At a time at which the EU is proposing to start negotiations on an international framework to protect investor rights (the Multilateral Investment Court), we strongly believe that addressing global governance gaps and strengthening and upholding human rights for communities and victims of corporate abuse should be prioritized.

We urge the European Union, and its Member States individually, to use this historic opportunity to support the UN treaty and show that Europe can be a champion on multilateralism and human rights in the context of Transnational Corporations and Other Business Enterprises.

With kind regards,

Art.4.1(b)

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On behalf of

Geneva Infant Feeding Association – IBFAN GIFA
Alyansa Tigil Mina - Alliance to Stop Mining Philippines
Association Internationale de Techniciens Experts et Chercheurs (AITEC)
Association for Women's Rights in Development (AWID)
ALBOAN
ATTAC España
Asamblea Nacional de Afectados Ambientales
Badil resource center
Broederlijk Delen
Brot für die Welt
Ecologistas en Acción
CAFOD
CCFD - Terre Solidaire
CNCD-11.11.11.
CIDSE
Center for International Environmental Law
Centro de Estudios para la Justicia Social TIERRA DIGNA
FAIR
FIAN Belgium
FIAN International
FIDH
Fondazione Finanza Etica
Friends of the Earth France
Friends of the Earth Sweden
WALHI/Friends of the Earth Indonesia
FUNDEPS - Foundation for the Development of Sustainable Policies
Fundación APY
Global Policy Forum
Justiça Ambiental - FoE Mozambique
Human Rights International Corner
Les Amis de la Terre France
Réseau International des Droits Humains (RIDH)

MISEREOR

MTVSZ / Friends of the Earth Hungary

NOVACT - institut internacional per l'acció noviolenta

Entraide et Fraternité

Pro Ethical Trade

Pro Ethical Trade Finland

Friends of the Earth Finland

Observatori de Drets Humans i Empreses de l'Orient Mitjà i Nord d'Àfrica

Project on Organizing, Development, Education and Research (PODER)

Sentro ng Mga Nagkakaisa at Progresibong Manggagawa (SENTRO)

SUDS

Society for International Development (SID)

SOMO

Trócaire

The Initiative for Social and Economic Rights (ISER) and Uganda Consortium on Corporate

Accountability (UCCA)

World March Women